

Without objection, the following 13 amendments have been agreed to by both sides and are included in the Managers' Package:

1. Inouye-Stevens #1, as amended by the Inouye second degree;
2. Inouye-Stevens #2, as amended by the Inouye second degree;
3. Boxer #1, as modified;
4. Cantwell-Dorgan-Klobuchar-Kerry #2, as modified;
5. Cantwell #4, as modified;
6. Cantwell #5, as amended by the Cantwell second degree;

7. Carper #1, as modified
8. Carper #2, as modified
9. Carper #3
10. Dorgan #1
11. Dorgan #2
12. Lautenberg #1
13. Pryor #1, as amended by the Thune second degree

Inouye

COMMITTEE AMENDMENT

[STAFF WORKING DRAFT]

May 7, 2007

Purpose: To strike the midpoint standard.

**IN THE COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION—110TH Cong., 1ST Sess.**

S. 357, 110TH Congress, 1ST Session

MAY 8, 2007

INTENDED to be proposed by Mr. INOUE to the amendment
(S357MARK.6) proposed by Mr. INOUE

Viz:

- 1 On page 4, line 7, after “States.” insert “The average
- 2 fuel economy standards prescribed by the Secretary shall
- 3 be the maximum feasible average fuel economy for each
- 4 model year.”.
- 5 On page 4, strike lines 8 through 12.
- 6 On page 4, line 13, strike “(C)” and insert “(B)”.

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*Inouye 2nd Decree
to Midpoint #1*

COMMITTEE AMENDMENT

[STAFF WORKING DRAFT]

May 7, 2007

Purpose: To make it clear that the maximum feasible standard applies to model years 2011 through 2019.

IN THE COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION—110TH Cong., 1ST Sess.

S. 357, 110TH Congress, 1ST Session

MAY 8, 2007

INTENDED to be proposed by Mr. INOUE to the amendment
(S357MARK.6) proposed by Mr. INOUE

Viz:

- 1 Beginning in line 3, strike “for each model year.” and
- 2 insert “for model years 2011 through 2019.”.

Inouye/Stevens
Tech

COMMITTEE AMENDMENT

[STAFF WORKING DRAFT]

May 7, 2007

Purpose: To make minor and technical changes in the substitute amendment.

**IN THE COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION—110TH Cong., 1ST Sess.**

S. 357, 110TH Congress, 1ST Session

MAY 8, 2007

INTENDED to be proposed by Mr. INOUE to the amendment
(S357MARK.6) proposed by Mr. INOUE

Viz:

1 On page 3, beginning in line 23, strike “Secretary,
2 in consultation with the Administrator of the Environ-
3 mental Protection Agency,” and insert “Secretary”.

4 On page 4, line 16, after “economy” insert “required
5 to be”.

6 On page. 4, line 19, strike “standard” and insert “re-
7 quired to be attained”.

8 On page 5, line 21, insert “(a) IN GENERAL.—” be-
9 fore “Section”.

10 On page 6, beginning in line 11 strike “Secretary,
11 in consultation with the Administrator of the Environ-

1 mental Protection Agency and the Secretary of Energy,”
2 and insert “Secretary”.

3 On page 6, beginning in line 18, strike “be cost-effec-
4 tive.” and insert “meet one or more of the criteria in sub-
5 section (f)(2).”.

6 On page 6, line 21, strike “proposing” and insert
7 “adopting”.

8 On page 7, line 2, strike “2012,” and insert “2011,”.

9 On page 7, line 3, strike “5 years” and insert “30
10 months”.

11 On page 7, line 9, strike “3 years” and insert “18
12 months”.

13 On page 7, line 13, after “MAXIMUM” insert “FEA-
14 SIBLE”.

15 On page 7, line 17, after “maximum” insert “fea-
16 sible”.

17 On page 7, beginning with “standard” in line 17
18 strike through line 24 on page 9 and insert “standard.”.

19 On page 9, after line 24, insert the following:

20 (b) FEASIBILITY CRITERIA.—Section 32902(f) of
21 title 49, United States Code, is amended to read as fol-
22 lows:

23 “(f) DECISIONS ON MAXIMUM FEASIBLE AVERAGE
24 FUEL ECONOMY.—

1 (1) IN GENERAL.—When deciding maximum
2 feasible average fuel economy under this section, the
3 Secretary shall consider—

4 “(A) economic practicability;

5 “(B) the effect of other motor vehicle
6 standards of the Government on fuel economy;

7 “(C) environmental impacts; and

8 “(D) the need of the United States to con-
9 serve energy.

10 “(2) LIMITATIONS.—In setting any standard
11 under subsection (b), (c), or (d), the Secretary shall
12 ensure that each standard is the highest standard
13 that—

14 “(A) is technologically achievable;

15 “(B) can be achieved without materially
16 reducing the overall safety of automobiles, me-
17 dium-duty trucks, and heavy-duty trucks manu-
18 factured or sold in the United States;

19 “(C) is not less than the standard for that
20 class of vehicles from any prior year; and

21 “(D) is cost-effective.

22 “(3) DETERMINING COST-EFFECTIVENESS.—

23 “(A) IN GENERAL.—In determining cost
24 effectiveness under paragraph (2)(D), the Sec-
25 retary shall take into account the total value to

1 the United States of reduced fuel use, including
2 the monetary value of the reduced fuel use over
3 the life of the vehicle.

4 “(B) ADDITIONAL FACTORS FOR CONSID-
5 ERATION BY SECRETARY.—The Secretary shall
6 consider in the analysis the following factors:

7 “(i) Economic security.

8 “(ii) The impact of the oil or energy
9 intensity of the United States economy on
10 the sensitivity of the economy to oil and
11 other fuel price changes, including the
12 magnitude of gross domestic product losses
13 in response to short term price shocks or
14 long term price increases.

15 “(iii) National security, including the
16 impact of United States payments for oil
17 and other fuel imports on political, eco-
18 nomic, and military developments in unsta-
19 ble or unfriendly oil-exporting countries.

20 “(iv) The uninternalized costs of pipe-
21 line and storage oil seepage, and for risk
22 of oil spills from production, handling, and
23 transport, and related landscape damage.

24 “(v) The emissions of pollutants in-
25 cluding greenhouse gases over the lifecycle

1 of the fuel and the resulting costs to
2 human health, the economy, and the envi-
3 ronment.

4 “(vi) Such additional factors as the
5 Secretary deems relevant.

6 “(4) MINIMUM VALUATION.—When considering
7 the value to consumers of a gallon of gasoline saved,
8 the Secretary of Transportation shall use as a min-
9 imum value the value of the gasoline prices projected
10 by the Energy Information Administration for the
11 period covered by the standard beginning in the year
12 following the year in which the standards are estab-
13 lished.

14 “(5) COST-EFFECTIVE DEFINED.—In this sub-
15 section, the term ‘cost-effective’ means that the total
16 value to the United States of reduced petroleum use
17 from a proposed fuel economy standard is greater
18 than or equal to the total cost to the United States
19 of such standard. Notwithstanding this definition,
20 the Secretary shall not base the level of any stand-
21 ard on any technology whose cost to the United
22 States is substantially more than the value to the
23 United States of the reduction in petroleum use at-
24 tributable to that technology.”.

1 (c) CONSULTATION REQUIREMENT.—Section
2 32902(i) of title 49, United States Code, is amended by
3 inserting “and the Administrator of the Environmental
4 Protection Agency” after “Energy”.

5 (d) COMMENTS.—Section 32902(j) of title 49, United
6 States Code, is amended—

7 (1) by striking paragraph (1) and inserting the
8 following:

9 “(1) Before issuing a notice proposing to pre-
10 scribe or amend an average fuel economy standard
11 under subsection (b), (c), or (g) of this section, the
12 Secretary of Transportation shall give the Secretary
13 of Energy and Administrator of the Environmental
14 Protection Agency at least 10 days after the receipt
15 of the notice during which the Secretary of Energy
16 and Administrator may, if the Secretary of Energy
17 or Administrator concludes that the proposed stand-
18 ard would adversely affect the conservation goals of
19 the Secretary of Energy or environmental protection
20 goals of the Administrator, provide written com-
21 ments to the Secretary of Transportation about the
22 impact of the standard on those goals. To the extent
23 the Secretary of Transportation does not revise a
24 proposed standard to take into account comments of
25 the Secretary of Energy or Administrator on any ad-

1 verse impact of the standard, the Secretary of
2 Transportation shall include those comments in the
3 notice.”; and

4 (2) by inserting “and Administrator” after
5 “Energy” each place it appears in paragraph (2).

6 (e) TECHNICAL AND CONFORMING AMENDMENTS.—

7 (1) Section 32902(d) of title 49, United States
8 Code, is amended by striking “passenger” each place
9 it appears.

10 (2) Section 32902(g) of title 49, United States
11 Code, is amended—

12 (A) by striking “subsection (a) or (d)”
13 each place it appears in paragraph (1) and in-
14 serting “subsection (b), (c), or (d)”;

15 (B) striking “(and submit the amendment
16 to Congress when required under subsection
17 (c)(2) of this section)” in paragraph (2).

18 On page 18 line 7, strike “automotive” and insert
19 “automobile”.

○

*INOUE 2nd DEGREE to
INOUE/STEVENS tech amend/
CHAIRMAN'S sub.*

COMMITTEE AMENDMENT

[STAFF WORKING DRAFT]

May 7, 2007

Purpose: To make minor and technical changes in the technical amendments.

IN THE COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION—110TH Cong., 1ST Sess.

S. 357, 110TH Congress, 1ST Session

MAY 8, 2007

INTENDED to be proposed by Mr. INOUE to the amendment
(S357TECH.2) proposed by Mr. INOUE

Viz:

- 1 On page 2, strike lines 3 through 5.
- 2 On page 3, line 1, insert opening quotation marks
- 3 before “(1)”.
- 4 On page 5, line 16, strike “petroleum” and insert
- 5 “fuel”.
- 6 On page 5, line 23, strike “petroleum” and insert
- 7 “fuel”.
- 8 On page 7, between lines 17 and 18, insert the fol-
- 9 lowing:
- 10 “On page 15, line 14, strike ‘and medium-duty
- 11 trucks’.

1 “On page 15, beginning in line 16, strike ‘auto-
2 mobiles, medium-duty trucks, and heavy duty trucks’ and
3 insert ‘automobiles’.

4 “On page 16, line 10 strike ‘passenger automobile or
5 medium-duty truck’ and insert ‘automobile’. ”.

BOXER #1, AS MODIFIED

STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

Section 32917 of title 49, United States Code, is amended to read as follows:

`Sec. 32917. Standards for executive agency automobiles

`(a) Definitions- In this section:

`(1) EXECUTIVE AGENCY- The term 'Executive agency' has the meaning given that term in section 105 of title 5.

`(2) NEW AUTOMOBILE- The term 'new automobile', with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the Executive agency, after September 30, 2008. The term does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.

`(b) Fuel Efficiency- The head of an Executive agency shall ensure that each new automobile procured by the Executive agency is as fuel efficient as practicable.

(c) Report – The Administrator of the General Services Administration shall develop a report describing and evaluating the efforts of the heads of the Executive agencies to comply with this section for the period between October 1, 2008 and October 1, 2009. The Administrator shall submit the report to Congress no later than December 31, 2009.

Cantwell 2
As modified

COMMITTEE AMENDMENT

[STAFF WORKING DRAFT]

May 7, 2007

Purpose: To ensure the availability of flexible fuel vehicles and increase consumer awareness of such vehicles.

**IN THE COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION—110TH Cong., 1ST Sess.**

S. 357, 110TH Congress, 1ST Session

MAY 8, 2007

INTENDED to be proposed by Ms. CANTWELL (for herself, Mr. DORGAN, Ms. KLOBUCHAR, and Mr. KERRY) to the amendment (S357MARK.6) proposed by Mr. INOUE

Viz:

1 At the appropriate place, insert the following:

2 **SEC. ——. ENSURING AVAILABILITY OF FLEXIBLE FUEL**
3 **VEHICLES.**

4 (a) AMENDMENT.—

5 (1) IN GENERAL.—Chapter 329 of title 49,
6 United States Code, is amended by inserting after
7 section 32902 the following:

8 **“§ 32902A. Requirement to manufacture flexible fuel**
9 **vehicles**

10 “(a) IN GENERAL.—For each model year, each man-
11 ufacturer of new motor vehicles (as defined under section

1 30(c)(2) of the Internal Revenue Code of 1986) described
 2 in subsection (b) shall ensure that the percentage of such
 3 vehicles manufactured in a particular model year that are
 4 flexible fuel vehicles shall be not less than the percentage
 5 set forth for that model year in the following table:

If the model year is:	The percentage of flexible fuel vehicles shall be:
2012	50 percent
2013	60 percent
2014	70 percent
2015	80 percent

6 “(b) MOTOR VEHICLES DESCRIBED.—A motor vehi-
 7 cle is described in this subsection if the vehicle—

8 “(1) is capable of operating on gasoline or die-
 9 sel fuel;

10 “(2) is distributed in interstate commerce for
 11 sale in the United States; and

12 “(3) does not contain certain engines that the
 13 Secretary of Transportation, in consultation with the
 14 Administrator of the Environmental Protection
 15 Agency and the Secretary of Energy, may tempo-
 16 rarily exclude from the definition because it is tech-
 17 nologically infeasible for the engines to have flexible
 18 fuel capability at any time during a period that the
 19 Secretaries and the Administrator are engaged in an
 20 active research program with the vehicle manufac-
 21 turers to develop that capability for the engines.”.

1 (2) DEFINITION OF FLEXIBLE FUEL VEHIC-
2 CLE.—Section 32901(8) of title 49, United States
3 Code, is amended by inserting “or ‘flexible fuel vehi-
4 cle’” after “‘dual fueled automobile’”.

5 (3) CLERICAL AMENDMENT.—The table of sec-
6 tions for chapter 329 of title 49, United States
7 Code, is amended by inserting after the item relating
8 to section 32902 the following:

“Sec. 32902A. Requirements to manufacture flexible fuel vehicles.”.

9 (b) RULEMAKING.—

10 (1) IN GENERAL.—Not later than 1 year after
11 the date of the enactment of this Act, the Secretary
12 of Transportation shall issue regulations to carry
13 out the amendments made by subsection (a).

14 (2) HARDSHIP EXEMPTION.—The regulations
15 issued pursuant to paragraph (1) shall include a
16 process by which a manufacturer may be exempted
17 from the requirement under section 32902A(a) upon
18 demonstrating that such requirement would create a
19 substantial economic hardship for the manufacturer.

20 **SEC. ——. INCREASING CONSUMER AWARENESS OF**
21 **FLEXIBLE FUEL VEHICLES.**

22 Section 32908 of title 49, United States Code, is
23 amended by adding at the end the following:

24 “(g) INCREASING CONSUMER AWARENESS OF FLEXI-
25 BLE FUEL VEHICLES.—(1) The Secretary of Transpor-

1 tation shall prescribe regulations that require the manu-
2 facturer of vehicles distributed in interstate commerce for
3 sale in the United States—

4 “(A) to prominently display a permanent badge
5 or emblem on the quarter panel or tailgate of each
6 such vehicle that indicates such vehicle is capable of
7 operating on alternative fuel; and

8 “(B) to include information in the owner’s man-
9 ual of each such vehicle information that describes—

10 “(i) the capability of the vehicle to operate
11 using alternative fuel;

12 “(ii) the benefits of using alternative fuel,
13 including the renewable nature, and the envi-
14 ronmental benefits of using alternative fuel; and

15 “(C) to contain a fuel tank cap that is
16 clearly labeled to inform consumers that such
17 vehicle is capable of operating on alternative
18 fuel.

19 “(2) The Secretary of Transportation shall collabo-
20 rate with vehicle retailers to develop voluntary methods
21 for providing prospective purchasers of vehicles with infor-
22 mation regarding the benefits of using alternative fuel in
23 vehicles, including—

24 “(A) the renewable nature of alternative fuel;
25 and

1 “(B) the environmental benefits of using alter-
2 native fuel.”.

3 **SEC. ——. ACCELERATING CONVERSION TO ALTERNATIVE**
4 **FUELS INFRASTRUCTURE.**

5 (a) GOAL.—The Congress declares that it is the goal
6 of the United States to increase the accessibility of alter-
7 native fuels to retail consumers, and to ensure that at
8 least 10 percent of motor vehicle refueling stations provide
9 alternative fuels, by calendar year 2015.

10 (b) ALTERNATIVE FUEL INFRASTRUCTURE INITIA-
11 TIVE.—

12 (1) IN GENERAL.—Not later than 1 year after
13 the date of enactment of this Act, and every 2 years
14 thereafter, the Secretary of Transportation, in co-
15 ordination with the Secretary of Energy and the Ad-
16 ministrator of the Environmental Protection Agency,
17 and in consultation with State and local govern-
18 ments, shall—

19 (A) subject to subparagraph (B), develop
20 and implement measures to increase the acces-
21 sibility of alternative fuels to retail consumers
22 to a level sufficient to ensure that at least 10
23 percent of motor vehicle refueling stations pro-
24 vide alternative fuels by calendar year 2015;
25 and

1 (B) if the Secretary of Transportation de-
2 termines that there are insufficient legal au-
3 thorities to achieve the target for calendar year
4 2015 described in subparagraph (A)—

5 (i) develop and implement measures
6 to increase the accessibility of alternative
7 fuels to retail consumers, to the maximum
8 extent practicable; and

9 (ii) submit to Congress by January 1,
10 2009, proposed legislation or other rec-
11 ommendations to achieve that target.

12 (2) REQUIREMENT FOR MAJOR INTEGRATED
13 OIL COMPANIES.—

14 (A) IN GENERAL.—Each major integrated
15 oil company (as defined in section 167(h)(5)(B)
16 of the Internal Revenue Code of 1986) shall in-
17 stall and make available to retail consumers al-
18 ternative fuels refueling infrastructure at—

19 (i) not less than 50 percent of the
20 motor vehicle fueling stations owned by the
21 company by not later than December 31,
22 2012; and

23 (ii) 100 percent of the motor vehicle
24 refueling stations owned by the company
25 by not later than January 1, 2015.

1 (B) MEANS OF COMPLIANCE.—A major in-
2 tegrated oil company (as defined in section
3 167(h)(5)(B) of the Internal Revenue Code of
4 1986) shall meet the requirements of subpara-
5 graph (A) by installing alternative refueling in-
6 frastructure at motor vehicle fueling stations
7 composed of 1 or more underground storage
8 tanks, pumps, blender pump, and pump fittings
9 or other related infrastructure that is used to
10 refuel a motor vehicle with ethanol or biodiesel,
11 or any other non-petroleum derived fuel cer-
12 tified by the Secretary of Transportation for
13 use in motor vehicles.

14 (3) BLENDER PUMP DEFINED.—In this sub-
15 section, the term “blender pump” means any fuel
16 pump that—

17 (A) sources ethanol and gasoline products
18 from separate underground storage tanks;

19 (B) incorporates the use of inlet valves
20 from such tanks to enable varying amounts of
21 ethanol and gasoline products to be blended
22 within a chamber in the pump;

23 (C) dispenses the various blends of ethanol
24 and gasoline products through separate hoses;
25 and

1 (D) provides a fuel with whose volume con-
2 sists of at least 20 percent ethanol.

3 (c) INTERFERENCE WITH INSTALLATION OF ALTER-
4 NATIVE REFUELING EQUIPMENT OR SALE OF ALTER-
5 NATIVE FUEL.—

6 (1) IN GENERAL.—It shall be an unfair or de-
7 ceptive act or practice in violation of section 5 of the
8 Federal Trade Commission Act (15 U.S.C. 45) for
9 any person to restrain trade in alternative fuels by
10 interfering with the installation of alternative refuel-
11 ing equipment, or the sale of alternative fuels, at
12 any motor vehicle refueling station in the United
13 States.

14 (2) ENFORCEMENT.—The Federal Trade Com-
15 mission shall promulgate rules to enforce this sub-
16 paragraph.

17 (d) ENFORCEMENT.—

18 (1) CIVIL PENALTIES.—Any major integrated
19 oil company (as defined in section 167(h)(5)(B) of
20 the Internal Revenue Code of 1986) that fails to
21 meet the alternative refueling infrastructure require-
22 ments of this section shall be subject to a civil pen-
23 alty.

1 (2) AMOUNT AND FREQUENCY OF PENALTY.—

2 A civil penalty assessed under paragraph (1) shall
3 be—

4 (A) in an amount equivalent to \$1,000,000
5 for each motor vehicle refueling station owned
6 by the major integrated oil company (as defined
7 in section 167(h)(5)(B) of the Internal Revenue
8 Code of 1986) that fails to comply with the re-
9 quirements of this section; and

10 (B) assessed for each year during which
11 the failure to comply occurs.

12 (3) MITIGATION OR WAIVER.—The Secretary
13 may mitigate or waive a civil penalty under this sec-
14 tion, after public notice and comment, if the major
15 integrated oil company (as defined in section
16 167(h)(5)(B) of the Internal Revenue Code of
17 1986)—

18 (A) was unable to comply with the require-
19 ments of this section for reasons the Secretary
20 determines to be outside of the reasonable con-
21 trol of the major integrated oil company (as de-
22 fined in section 167(h)(5)(B) of the Internal
23 Revenue Code of 1986); or

24 (B) demonstrates to the satisfaction of the
25 Secretary that insufficient alternative fueled ve-

1 hicles exist within the geographic region of a
2 motor refueling station to warrant the installa-
3 tion of the infrastructure.

4 (4) PROCEDURE FOR ASSESSING PENALTY.—

5 The Secretary shall assess a civil penalty under this
6 subsection in accordance with the procedures pre-
7 scribed by section 333(d) of the Energy Policy and
8 Conservation Act (42 U.S.C. 6303(d)).

○

CANTWELL
CHAIRMAN'S 4
MARK
As modified

COMMITTEE AMENDMENT

[STAFF WORKING DRAFT]

May 7, 2007

Purpose: To require the Secretary of Transportation to review the fuel economy labeling process periodically.

IN THE COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION—110TH Cong., 1ST Sess.

S. 357, 110TH Congress, 1ST Session

MAY 8, 2007

INTENDED to be proposed by Ms. CANTWELL to the amendment (S357MARK.6) proposed by Mr. INOUE

Viz:

1 At the appropriate place, insert the following:

2 SEC. — PERIODIC REVIEW OF ACCURACY OF FUEL ECON-
3 OMY LABELING PROCEDURES.

4 Beginning in December, 2009, and not less often
5 than every ~~3~~⁵ years thereafter, the Secretary of Transpor-
6 tation, in consultation with the Administrator of the Envi-
7 ronmental Protection Agency, shall—

8 (1) reevaluate the fuel economy labeling proce-
9 dures described in the final rule published in the
10 Federal Register on December 27, 2006 (71 Fed.
11 Reg. 77,872; 40 C.F.R. parts 86 and 600) to deter-
12 mine whether changes in the factors used to estab-

1 lish the labeling procedures warrant a revision of
2 that process; and

3 (2) submit a report to the Senate Committee on
4 Commerce, Science, and Transportation and the
5 House of Representatives Committee on Energy and
6 Commerce that describes the results of the reevalua-
7 tion process.

○

Senator Cantwell:

A Second Degree Amendment to Senator Cantwell Amendment # 5

On page 1, line 1, strike all text through page 5, line 2, and insert the following:

SECTION __. TIRE FUEL EFFICIENCY CONSUMER INFORMATION.

(a) In General- Chapter 301 of title 49, United States Code, is amended by inserting after section 30123 the following new section:

`Sec. 30123A. Tire Fuel Efficiency Consumer Information

`(a) Rulemaking- (1) Not later than 18 months after the date of enactment of this section, the Secretary of Transportation shall, after notice and opportunity for comment, promulgate rules establishing a national tire fuel efficiency consumer information program for tires designed for use on motor vehicles to educate consumers about the effect of tires on automobile fuel efficiency.

`(2) Items Included in Rule- The rulemaking shall include each of the following:

`(A) A national tire fuel efficiency rating system for motor vehicle tires to assist consumers in making more educated tire purchasing decisions.

`(B) Requirements for providing information to consumers, including information at the point of sale and other potential information dissemination methods, including the internet.

`(C) Specifications for test methods for manufacturers to use in assessing and rating tires to avoid variation among test equipment and manufacturers.

`(D) A national tire maintenance consumer education program including, information on tire inflation pressure, alignment, rotation, and tread wear to maximize fuel efficiency.

`(3) Applicability- This section shall not apply to tires excluded from coverage under section 575.104(c)(2) of title 49, Code of Federal Regulations, as in effect on date of enactment of this section.

`(b) Consultation- The Secretary shall consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency on the means of conveying tire fuel efficiency consumer information.

`(c) Report to Congress- The Secretary shall conduct periodic assessments of the rules promulgated under this section to determine the utility of such rules to consumers, the level of cooperation by industry, and the contribution to national goals pertaining to energy consumption. The Secretary shall transmit periodic reports detailing the findings of such assessments to the Energy and Commerce

Committee of the House of Representatives and the Commerce, Science, and Transportation Committee of the Senate.

`(d) Tire Marking- The Secretary shall not require permanent labeling of any kind on a tire for the purpose of tire fuel efficiency information.

`(e) Preemption- When a requirement under this section is in effect, a State or political subdivision of a State may adopt or enforce a law or regulation on tire fuel efficiency consumer information only if the law or regulation is identical to that requirement. Nothing in this section shall be construed to preempt a State or political subdivision of a State from regulating the fuel efficiency of tires not otherwise preempted under this chapter.'.

(b) Enforcement- Section 30165(a) of such chapter is amended by adding at the end the following:

`(3) SECTION 30123A- Any person who fails to comply with the national tire fuel efficiency consumer information program under section 30123A is liable to the United States Government for a civil penalty of not more than \$50,000 for each violation.'.

(c) Table of Contents- The table of contents for chapter 301 of title 49 is amended by adding the following new item after the item relating to section 30123:

`30123A. Tire fuel efficiency consumer information.'.

Cantwell
Chairman's
MARK 5

COMMITTEE AMENDMENT

[STAFF WORKING DRAFT]

May 7, 2007

Purpose: To require tires to be graded for fuel efficiency.

IN THE COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION—110TH Cong., 1ST Sess.

S. 357, 110TH Congress, 1ST Session

MAY 8, 2007

INTENDED to be proposed by Ms. CANTWELL to the amend-
ment (S357MARK.6) proposed by Mr. INOUE

Viz:

1 At the appropriate place, insert the following:

2 SEC. ——. MOTOR VEHICLE TIRES SUPPORTING MAX-
3 IMUM FUEL EFFICIENCY.

4 (a) STANDARDS FOR TIRES MANUFACTURED FOR
5 INTERSTATE COMMERCE.—Section 30123 of title 49,
6 United States Code, is amended—

7 (1) in subsection (b), by inserting after the first
8 sentence the following: “The grading system shall
9 include standards for rating the fuel efficiency of
10 tires designed for use on automobiles.”; and

11 (2) by adding at the end the following:

12 “(d) NATIONAL TIRE FUEL EFFICIENCY PRO-
13 GRAM.—(1) The Secretary shall develop and carry out a

1 national tire fuel efficiency program for tires designed for
2 use on automobiles.

3 “(2) The program shall include the following:

4 “(A) Policies and procedures for testing and la-
5 beling tires for fuel economy to enable tire buyers to
6 make informed purchasing decisions about the fuel
7 economy of tires.

8 “(B) Policies and procedures to promote the
9 purchase of energy-efficient replacement tires, in-
10 cluding purchase incentives, website listings on the
11 Internet, printed fuel economy guide booklets, and
12 mandatory requirements for tire retailers to provide
13 tire buyers with fuel-efficiency information on tires.

14 “(C) Minimum fuel economy standards for
15 tires, promulgated by the Secretary.

16 “(3) The minimum fuel economy standards for tires
17 shall—

18 “(A) ensure that the average fuel economy of
19 replacement tires is equal to or better than the aver-
20 age fuel economy of tires sold as original equipment;

21 “(B) secure the maximum technically feasible
22 and cost-effective fuel savings;

23 “(C) not adversely affect tire safety;

24 “(D) not adversely affect the average tire life of
25 replacement tires ;

1 “(E) incorporate the results from—

2 “(i) laboratory testing; and

3 “(ii) to the extent appropriate and avail-
4 able, on-road fleet testing programs conducted
5 by the manufacturers; and

6 “(F) not adversely affect efforts to manage
7 scrap tires.

8 “(4) The policies, procedures, and standards devel-
9 oped under paragraph (2) shall apply to all types and
10 models of tires that are covered by the uniform tire quality
11 grading standards under section 575.104 of title 49, Code
12 of Federal Regulations (or any successor regulation).

13 “(5) Not less often than every 3 years, the Secretary
14 shall review the minimum fuel economy standards in effect
15 for tires under this subsection and revise the standards
16 as necessary to ensure compliance with requirements
17 under paragraph (3). The Secretary may not, however, re-
18 duce the average fuel economy standards applicable to re-
19 placement tires.

20 “(6) Nothing in this chapter shall be construed to
21 preempt any provision of State law relating to higher fuel
22 economy standards applicable to replacement tires de-
23 signed for use on automobiles.

24 “(7) Nothing in this chapter shall apply to—

1 “(A) a tire or group of tires with the same
2 SKU, plant, and year, for which the volume of tires
3 produced or imported is less than 15,000 annually;

4 “(B) a deep tread, winter-type snow tire, space-
5 saver tire, or temporary use spare tire;

6 “(C) a tire with a normal rim diameter of 12
7 inches or less;

8 “(D) a motorcycle tire; or

9 “(E) a tire manufactured specifically for use in
10 an off-road motorized recreational vehicle.

11 “(8) In this subsection, the term ‘fuel economy’, with
12 respect to tires , means the extent to which the tires con-
13 tribute to the fuel economy of the motor vehicles on which
14 the tires are mounted.’.

15 (b) CONFORMING AMENDMENT.—Section 30103(b)
16 of title 49, United States Code, is amended by striking
17 “‘When” in paragraph (1) and inserting “‘Except as pro-
18 vided in section 30123(d) of this title, when”.

19 (c) TIME FOR IMPLEMENTATION.—The Secretary of
20 Transportation shall ensure that the national tire fuel effi-
21 ciency program required under subsection (d) of section
22 30123 of title 49, United States Code (as added by sub-
23 section (a)(2)), is administered so as to apply the policies,
24 procedures, and standards developed under paragraph (2)

1 of such subsection (d) beginning not later than March 31,
2 2010.

○

CARPER 1
As modified

COMMITTEE AMENDMENT

[STAFF WORKING DRAFT]

May 6, 2007

Purpose: To establish an advanced battery initiative for vehicles.

**IN THE COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION—110TH Cong., 1ST Sess.**

S. 357, 110TH Congress, 1ST Session

MAY 8, 2007

INTENDED to be proposed by Mr. CARPER to the amendment
(S357MARK.6) proposed by Mr. INOUE

Viz: At the appropriate place insert the following:

1 **SEC. —. ADVANCED BATTERY INITIATIVE FOR VEHICLES.**

2 (a) IN GENERAL.—The Secretary of Transportation
3 shall establish and carry out an Advanced Battery Initia-
4 tive in accordance with this section to support research,
5 development, demonstration, and commercial application
6 of battery technologies.

7 (b) INDUSTRY ALLIANCE.—Not later than 180 days
8 after the date of enactment of this Act, the Secretary shall
9 competitively select an Industry Alliance to represent par-
10 ticipants who are private, for-profit firms headquartered
11 in the United States, the primary business of which is the
12 manufacturing of batteries.

1 (c) RESEARCH.—

2 (1) GRANTS.—The Secretary shall carry out re-
3 search activities of the Initiative through competi-
4 tively-awarded grants to—

5 (A) researchers, including Industry Alli-
6 ance participants;

7 (B) small businesses;

8 (C) National Laboratories; and

9 (D) institutions of higher education.

10 (2) INDUSTRY ALLIANCE.—The Secretary shall
11 annually solicit from the Industry Alliance—

12 (A) comments to identify advanced battery
13 technology needs relevant to electric drive tech-
14 nology;

15 (B) an assessment of the progress of re-
16 search activities of the Initiative; and

17 (C) assistance in annually updating ad-
18 vanced battery technology roadmaps.

19 (d) AVAILABILITY TO THE PUBLIC.—The informa-
20 tion and roadmaps developed under this section shall be
21 available to the public.

22 (e) PREFERENCE.—In making awards under this
23 subsection, the Secretary shall give preference to partici-
24 pants in the Industry Alliance.

1 (f) COST SHARING.—In carrying out this section, the
2 Secretary shall require cost sharing in accordance with
3 section 120(b) of title 23, United States Code.

4 (g) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to carry out this section
6 ~~\$50,000,000~~ for each of fiscal years 2008 through 2012.

Such sums as necessary

○

CARPER 2

As modified

COMMITTEE AMENDMENT

[STAFF WORKING DRAFT]

May 6, 2007

Purpose: To establish national standards for biodiesel blends.

IN THE COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION—110TH Cong., 1ST Sess.

S. 357, 110TH Congress, 1ST Session

MAY 8, 2007

INTENDED to be proposed by Mr. CARPER to the amendment
(S357MARK.6) proposed by Mr. INOUE

Viz: At the appropriate place insert the following:

1 **SEC. —. BIODIESEL STANDARDS.**

2 (a) IN GENERAL.—Not later than 180 days after the
3 date of enactment of this Act, the President, in consulta-
4 tion with the Secretary of Transportation and the Adminis-
5 trator of the Environmental Protection Administration,
6 shall promulgate standards for biodiesel blend sold or in-
7 troduced into commerce in the United States.

8 (b) DEFINITIONS.—In this section:

9 (1) BIODIESEL.—

10 (A) IN GENERAL.—The term “biodiesel”
11 means the monoalkyl esters of long chain fatty
12 acids derived from plant or animal matter that
13 meet—

The Secretary of the
Department of Energy

1 (i) the registration requirements for
2 fuels and fuel additives established by the
3 Environmental Protection Agency under
4 section 211 of the Clean Air Act (42
5 U.S.C. 7545); and

6 (ii) the requirements of the American
7 Society of Testing and Materials D6751.

8 (B) INCLUSIONS.—The term “biodiesel”
9 includes esters described in subparagraph (A)
10 derived from—

11 (i) animal waste, including poultry
12 fat, poultry waste, and other waste mate-
13 rial; and

14 (ii) municipal solid waste, sludge, and
15 oil derived from wastewater or the treat-
16 ment of wastewater.

17 (2) BIODIESEL BLEND.—The term “biodiesel
18 blend” means a mixture of biodiesel and diesel fuel,
19 including—

20 (A) a blend of biodiesel and diesel fuel ap-
21 proximately 5 percent of the content of which
22 is biodiesel (commonly known as “B5”); and

1 (B) a blend of biodiesel and diesel fuel ap-
2 proximately 20 percent of the content of which
3 is biodiesel (commonly known as “B20”).

○

COMMITTEE AMENDMENT

[STAFF WORKING DRAFT]

May 6, 2007

Purpose: To strike section 6.

**IN THE COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION—110TH Cong., 1ST Sess.**

S. 357, 110TH Congress, 1ST Session

MAY 8, 2007

INTENDED to be proposed by Mr. CARPER to the amendment
(S357MARK.6) proposed by Mr. INOUE

Viz:

1 On page 1, in the matter after line 5, strike the item
2 relating to section 6 and redesignate the items relating
3 to sections 7 through 11 as relating to sections 6 through
4 10.

5 On page 13, strike lines 1 thorough 21.

6 On page 13, line 22, strike “**SEC. 7.**” and insert
7 “**SEC. 6.**”.

8 On page 14, line 22, strike “**SEC. 8.**” and insert
9 “**SEC. 7.**”.

10 On page 17, line 12, strike “**SEC. 9.**” and insert
11 “**SEC. 8.**”.

12 On page 17, line 19, strike “**SEC. 10.**” and insert
13 “**SEC. 9.**”.

- 1 On page 19, line 3, strike "**SEC. 11.**" and insert
- 2 "**SEC. 10.**".

DORGAN /

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COMMITTEE AMENDMENT

[STAFF WORKING DRAFT]

May 6, 2007

Purpose: To modify the medium- and heavy-duty truck standard.

**IN THE COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION—110TH Cong., 1st Sess.**

S. 357, 110TH Congress, 1ST Session

MAY 8, 2007

INTENDED to be proposed by Mr. DORGAN to the amendment
(S357MARK.6) proposed by Mr. INOUE

Viz:

1 On page 3, strike lines 1 through 19 and insert the
2 following:

3 “(A) BASELINE AVERAGE FUEL ECONOMY
4 STANDARDS FOR MEDIUM- AND HEAVY-DUTY
5 TRUCKS.—For the first 2 model years beginning
6 after the submission to Congress of the
7 initial report by the National Academy of
8 Sciences required by section 10 of the Ten-in-
9 Ten Act, the average fuel economy required to
10 be attained for each attribute class of medium-
11 duty trucks and heavy-duty trucks shall be the
12 average combined highway and city miles-per-

1 gallon performance of all vehicles within that
2 class in the model year immediately preceding
3 the first of those 2 model years (rounded to the
4 nearest $\frac{1}{10}$ mile per gallon).

5 “(B) MEDIUM- AND HEAVY-DUTY TRUCK
6 FUEL ECONOMY AVERAGE AFTER BASELINE
7 MODEL YEAR.—For each model year beginning
8 after the 2 model years specified in subpara-
9 graph (A), the average fuel economy required to
10 be attained by the fleet of medium-duty trucks
11 and heavy-duty trucks manufactured in the
12 United States shall be at least 4 percent great-
13 er than the average fuel economy required to be
14 attained for the fleet in the previous model year
15 (rounded to the nearest $\frac{1}{10}$ mile per gallon).

○

COMMITTEE AMENDMENT

[STAFF WORKING DRAFT]

May 7, 2007

Purpose: To modify the medium- and heavy-duty truck standard.

**IN THE COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION—110TH Cong., 1ST Sess.**

S. 357, 110TH Congress, 1ST Session

MAY 8, 2007

INTENDED to be proposed by Mr. DORGAN to the amendment
(S357MARK.6) proposed by Mr. INOUE

Viz:

1 On page 3, line 19, after “the nearest 1/10 mile per
2 gallon).” insert “Standards shall be issued for medium-
3 duty trucks and heavy-duty trucks for 20 model years.”.

4 On page 4, line 14, strike “AFTER MODEL YEAR
5 2020.—” and insert “MODEL YEARS 2021 THROUGH 2030.—
6 ”.

7 On page 4, beginning in line 14, strike “each model
8 year beginning after model year 2020,” and insert “model
9 years 2021 through 2030,”.

○

AMENDMENT NO. _____ Calendar No. _____

Purpose: To require the Secretary of Transportation, if average fuel economy standards are reduced, to submit recommendations to Congress on the steps to be taken to avoid further reductions in such standards.

IN THE SENATE OF THE UNITED STATES—110th Cong., 1st Sess.

S. 357

To improve passenger automobile fuel economy and safety, reduce greenhouse gas emissions, reduce dependence on foreign oil, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. LAUTENBERG

Viz:

- 1 On page 7, between lines 12 and 13, insert the fol-
- 2 lowing:
- 3 “(C) REPORT.—The Secretary shall sub-
- 4 mit a report to Congress that outlines the steps
- 5 that need to be taken to avoid further reduc-
- 6 tions in average fuel economy standards.

*Thune 2nd Decree to
Pryor*

COMMITTEE AMENDMENT

[STAFF WORKING DRAFT]

May 7, 2007

Purpose: To provide grants from moneys collected from violations of the corporate average fuel economy program to be used to expand infrastructure necessary to increase the availability of alternative fuels.

IN THE COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION—110TH Cong., 1ST Sess.

S. 357, 110TH Congress, 1ST Session

MAY 8, 2007

INTENDED to be proposed by Mr. THUNE to the amendment
(USECPS.1) proposed by Mr. PRYOR

Viz:

1 On page 1, beginning with line 6, strike through line
2 2 on page 2 and insert the following:
3 “(e) USE OF CIVIL PENALTIES.—For fiscal year
4 2008 and each fiscal year thereafter, from the total
5 amount deposited in the general fund of the Treasury dur-
6 ing the preceding fiscal year from fines, penalties, and
7 other funds obtained through enforcement actions con-
8 ducted pursuant to this section 32912 (including funds ob-
9 tained under consent decrees), the Secretary of the Treas-
10 ury, subject to the availability of appropriations, shall—

1 “(1) transfer 50 percent of such total amount
2 to the account providing appropriations to the Sec-
3 retary of Transportation for the administration of
4 this chapter, which shall be used by the Secretary to
5 carry out a program of research and development
6 into fuel saving automotive technologies and to sup-
7 port rulemaking under this chapter: and

8 “(2) transfer 50 percent of such total amount
9 to the Energy Security Fund established by section
10 ——(a) of the Ten-in-Ten Fuel Economy Act.

11 **SEC.—. ENERGY SECURITY FUND AND ALTERNATIVE**
12 **FUEL GRANT PROGRAM.**

13 (a) **ESTABLISHMENT OF FUND.—**

14 (1) **IN GENERAL—**There is established in the
15 Treasury a fund, to be known as the “Energy Secu-
16 rity Fund” (referred to in this section as the
17 “Fund”), consisting of—

18 (A) amounts transferred to the Fund
19 under section 32912(e)(2) of title 49, United
20 States Code; and

21 (B) amounts credited to the Fund under
22 paragraph (2)(C).

23 (2) **INVESTMENT OF AMOUNTS.—**

24 (A) **IN GENERAL.—**The Secretary of the
25 Treasury shall invest in interest-bearing obliga-

1 tions of the United States such portion of the
2 Fund as is not, in the judgment of the Sec-
3 retary of the Treasury, required to meet cur-
4 rent withdrawals.

5 (B) SALE OF OBLIGATIONS.—Any obliga-
6 tion acquired by the Fund may be sold by the
7 Secretary of the Treasury at the market price.

8 (C) CREDITS TO FUND.—The interest on,
9 and the proceeds from the sale or redemption
10 of, any obligations held in the Fund shall be
11 credited to, and form a part of, the Fund in ac-
12 cordance with section 9602 of the Internal Rev-
13 enue Code of 1986.

14 (3) USE OF AMOUNTS IN FUND.—Amounts in
15 the Fund shall be made available to the Secretary of
16 Energy, subject to the availability of appropriations,
17 to carry out the grant program under subsection (b).

18 (b) ALTERNATIVE FUELS GRANT PROGRAM.—

19 (1) IN GENERAL.—Not later than 90 days after
20 the date of enactment of this Act, the Secretary of
21 Energy, acting through the Clean Cities Program of
22 the Department of Energy, shall establish and carry
23 out a program under which the Secretary shall pro-
24 vide grants to expand the availability to consumers

1 of alternative fuels (as defined in section 32901(a)
2 of title 49, United States Code).

3 (2) ELIGIBILITY.—

4 (A) IN GENERAL.—Except as provided in
5 subparagraph (B), any entity that is eligible to
6 receive assistance under the Clean Cities Pro-
7 gram shall be eligible to receive a grant under
8 this subsection.

9 (B) EXCEPTIONS.—

10 (i) CERTAIN OIL COMPANIES.—A
11 large, vertically-integrated oil company
12 shall not be eligible to receive a grant
13 under this subsection.

14 (ii) PROHIBITION OF DUAL BENE-
15 FITS.—An entity that receives any other
16 Federal funds for the construction or ex-
17 pansion of alternative refueling infrastruc-
18 ture shall not be eligible to receive a grant
19 under this subsection for the construction
20 or expansion of the same alternative refuel-
21 ing infrastructure.

22 (C) ENSURING COMPLIANCE.—Not later
23 than 30 days after the date of enactment of
24 this Act, the Secretary of Energy shall promul-
25 gate regulations to ensure that, before receiving

1 a grant under this subsection, an eligible entity
2 meets applicable standards relating to the in-
3 stallation, construction, and expansion of infra-
4 structure necessary to increase the availability
5 to consumers of alternative fuels (as defined in
6 section 32901(a) of title 49, United States
7 Code).

8 (3) MAXIMUM AMOUNT.—

9 (A) GRANTS.—The amount of a grant pro-
10 vided under this subsection shall not exceed
11 \$30,000.

12 (B) AMOUNT PER STATION.—An eligible
13 entity shall receive not more than \$90,000
14 under this subsection for any station of the eli-
15 gible entity during a fiscal year.

16 (4) USE OF FUNDS.—

17 (A) IN GENERAL.—A grant provided under
18 this subsection shall be used for the construc-
19 tion or expansion of alternative fueling infra-
20 structure.

21 (B) ADMINISTRATIVE EXPENSES.—Not
22 more than 3 percent of the amount of a grant
23 provided under this subsection shall be used for
24 administrative expenses.

○

Pryor 1

COMMITTEE AMENDMENT

[STAFF WORKING DRAFT

May 6, 2007

Purpose: To authorize the Secretary of Transportation to use amounts collected as civil penalties for research and development and rulemaking.

**IN THE COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION—110TH Cong., 1ST Sess.**

S. 357, 110TH Congress, 1ST Session

MAY8, 2007

INTENDED to be proposed by Mr. PRYOR to the amendment
(S357MARK.6) proposed by Mr. INOUE

Viz:

1 At the appropriate place, insert the following:

2 **SEC. ——. USE OF CIVIL PENALTIES FOR RESEARCH AND**
3 **DEVELOPMENT.**

4 Section 32912 of title 49, United States Code, is
5 amended by adding at the end thereof the following:

6 “(c) **USE OF CIVIL PENALTIES.**—Amounts received
7 from civil penalties imposed under this section shall be de-
8 posited as an offsetting collection in, and credited to, the
9 account providing appropriations to carry out a program
10 of research and development into fuel saving automotive

1 technologies and to support rulemaking under this chap-
2 ter.”.

○